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13  
14 **UNITED STATES DISTRICT COURT**  
15  
16 **DISTRICT OF NEVADA**

17 RLP-VERVAINE COURT, LLC, a Nevada  
18 series limited liability company of the  
19 container RED LIZARD PRODUCTIONS,  
20 LLC under NRS § 86.296,

21 Plaintiff,

22 v.

23 DHI MORTGAGE COMPANY, LTD., a  
24 Texas limited partnership; WELLS FARGO  
25 BANK, N.A., a national association; FORT  
APACHE SQUARE HOMEOWNERS  
ASSOCIATION, a Nevada domestic non-  
profit corporation; MTC FINANCIAL INC., a  
California corporation; REPUBLIC SILVER  
STATE DISPOSAL, INC., a Nevada  
corporation; JOSEPH A. NEWELL, an  
individual; DOES I through X; and ROE  
CORPORATIONS I through X, inclusive,

26 Defendants.

CASE NO. 2:13-cv-01517-GMN-CWH

27  
28 **STIPULATION AND ORDER TO  
EXTEND TIME FOR DISPOSITIVE  
MOTION BRIEFING  
(SECOND REQUEST)**

29 Wells Fargo Bank, N.A. (“Wells Fargo”) and RLP-Vervain Court, LLC (“RLP-Vervain”),  
30 through their counsel of record, hereby stipulate and request an order from the Court to extend the  
31 dispositive motion briefing schedule as described herein.

32 Wells Fargo and RLP-Vervain have filed competing motions for summary judgment.  
33 Currently opposition papers are due no later than January 5, 2018 and replies in further support  
34 are due no later than February 2, 2018.

1           The Ninth Circuit recently issued its decision regarding the application of 12 U.S.C. §  
2 4617(j)(3) to Nevada HOA foreclosures and the preemption of NRS 116 for loans owned by the  
3 Federal National Mortgage Association and Federal Home Loan Mortgage Corporation (“Freddie  
4 Mac”). *Berezovsky v. Moniz*, 869 F.3d 923 (9th Cir. 2017).

5           The Supreme Court of Nevada recently issued its decision concerning, among other  
6 things, the analysis relevant to whether a low sales price and other factors warrant setting aside an  
7 HOA sale. *Nationstar Mortgage, LLC v. Saticoy Bay LLC Series 2227 Shadow Canyon*, 405 P.3d  
8 641 (Nev. 2017).

9           Both of the aforementioned decisions are relevant to this litigation, which involves the  
10 effect of a Nevada HOA foreclosure sale on a property which Wells Fargo asserts is owned by  
11 Freddie Mac. Though the parties disagree as to the effect of these decisions, they agree that they  
12 present complex issues which warrant a modest extension of time in order for them to be fully  
13 briefed.

14           One prior extension of approximately one month for opposition and approximately six  
15 weeks for reply was granted on December 7, 2017. Though the parties have endeavored to  
16 complete their motion papers within the time frame previously ordered, the complexity of the  
17 issues, as discussed above, in combination with the recent holidays, has made this additional  
18 request necessary.

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1           Accordingly, the Parties agree to, and respectfully request, an order as follows:

2           1.       Oppositions to Wells Fargo's and RLP-Vervian's Motions for Summary Judgment  
3       shall be filed and served via the Court's ECF system no later than January 23, 2018.

4           2.       Replies in further support of Wells Fargo's and RLP-Vervian's Motions for  
5       Summary Judgment shall be filed and served via the Court's ECF system no later than February  
6       23, 2018.

7       Dated: January 2, 2018.

Dated: January 2, 2018.

8       SNELL & WILMER L.L.P.

COOPER COONS, LTD.

9       By: /s/ Kiah Beverly-Graham

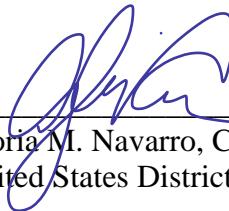
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By: /s/ J. Charles Coons

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17       **IT IS SO ORDERED.**

18       Dated this 12 day of January, 2018.

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Gloria M. Navarro, Chief Judge  
United States District Court